

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, ET AL.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF INTERVENOR

v.

CIVIL ACTION NO. 4:65-cv-01300–HTW-LRA 1300(E)

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, ET AL.**

DEFENDANTS

Response to Private Plaintiffs’ Motion to Extend Discovery Deadline

The District objects to an extension of the discovery deadline as requested by the Private Plaintiffs. The District’s motion for declaration of unitary status is set for hearing before the Court on February 4, 2019. The District objects to the unnecessary expansion of the discovery deadline or any other deadlines in the scheduling order, including the requirement that the Plaintiff Parties give notice of their specific objections to the District’s motion by November 16, 2018. [78].

The Private Plaintiffs offer three reasons in support of their motion to extend the discovery deadline: 1) that the Court has not ruled on their October 1, 2018, motion to compel, [86]; 2) that the District has objected to producing copies of student discipline records in response to Request for Production No. 21, [111]; and, 3) that they seek to re-depose Chief Clayton.

No extension of the discovery deadline is necessary. First, as set out in the District’s response to the Private Plaintiffs’ arguments in their October 1, 2018, motion to compel, [90],

there is no basis for radically expanding the scope of the District's desegregation plan. Even so, if the Court were to grant any relief requested, only a brief period of discovery would be needed to address the topics at issue. Second, regarding the District's objection to producing copies of student discipline records in response to Request for Production No. 21, the District incorporates its Response to Private Plaintiffs' Motion to Compel, [121], as if fully set forth herein. As reported there, the District continues to make good-faith efforts to allow the inspection of the records at issue. No further extension of the discovery deadline is necessary. Third, the parties have reached an agreement regarding the continuation of Chief Clayton's deposition; therefore, this issue is moot. *See*, [122], District's Response to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee.

The Private Plaintiffs waited until October 1, 2018, to serve written discovery requests on the District and did not begin requesting depositions until mid-October, despite the District having provided them a draft of its motion for unitary status and supporting memorandum on November 9, 2017, and formally filing the motion in March, 2018. The Private Plaintiffs should not be permitted to sabotage the District's efforts to continue preparing its case for the hearing by a series of last-minute discovery requests and frivolous motions. The District is concerned that unnecessary extensions of various deadlines set out in the scheduling order will impact the hearing date. The District objects to any delay in presenting its case on February 4, 2019.

Respectfully submitted, this 21st day of November, 2018.

MERIDIAN PUBLIC SCHOOL DISTRICT

/s/ John S. Hooks

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CERTIFICATE OF SERVICE

I do hereby certify that on this date, I filed electronically the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of filing to all registered counsel of record.

Dated: November 21, 2018.

/s/ John S. Hooks _____